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DATE:

October 25, 2002

File No. PG1-1

ADDRESSEE/

U.S.P.T.O. BOX PCT  
Attn: Office of PCT Legal Administration

FAX NO./ 1-703-308-6459

SENDER/

J. Wayne Anderson

FAX NO. (613) 952-6082

**RECEIVED**

25 OCT 2002

Legal Staff  
International Division

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21  
( 2 )

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COMMENTS/COMMENTAIRES:

See the following attached documents

Re-Newed Petition under 37 CFR 1.47(a).

Attached Statement of Facts ( I )

Attached Declaration/Power of Attorney. ( II )

Attached Petition for two month time extension. ( III )

Attached Credit Card Payment form. ( IV )

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Canada

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of: Jouishomme et al.

Applicant(s): Jouishomm et al.

Serial No: 09/980,080

Filing Date: 02 June 2000

Examiner:

Art Unit:

Title: 3-DIMENSIONAL IN VITRO MODELS OF MAMMALIAN TISSUES

Docket No: PG1-1

October 25, 2002

**OFFICIAL**

To: The Assistant Commissioner for Patents  
BOX PCT  
Washington, D.C. 20231  
U.S.A.

**ATTENTION OFFICE OF PCT LEGAL ADMINISTRATION**

**Re: Re-Newed Petition under 37 CFR 1.47(a)**

Sir:

This is in Response to the Official Letter dated 25 June 2002.

The previous Petition was dismissed.

Reconsideration on the merits, is hereby requested on the following basis.

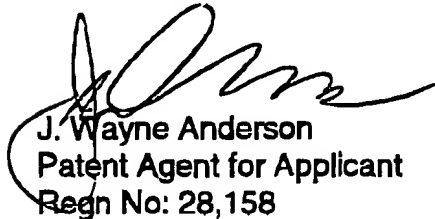
The dismissal of the previous Petition was based upon (1) a failure to provide proof of pertinent facts ie that the non-signing inventor cannot be reached after diligent effort, (2) a failure to provide a statement of the last known address of the non-signing inventor, and (3) an oath or Declaration on behalf of the signing Applicants/inventors on behalf of themselves and the non-signing Applicant/inventor.

As for requirement (1) attached hereto is a Statement of Facts, which is relied upon to establish that the non-signing inventor could not be reached after diligent inquiry.

With respect to requirement (2), the last mailing address of inventor Jouishomme, known to the undersigned is 35 rue de Nantes, Gatineau, Quebec, J8T 1L7, Canada.

Regarding requirement (3), a fresh Declaration/Power of Attorney executed by the signing Applicants/inventors on behalf of themselves and the non-signing inventor, Jouishomme, is also attached.

Respectfully submitted,

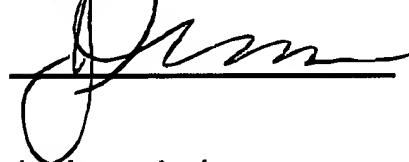


J. Wayne Anderson  
Patent Agent for Applicant  
Regn No: 28,158

P.O. Box 1266, Station B  
Ottawa, Ontario  
K1A 0R6, Canada

#### CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that this paper is being facsimile transmitted to the Patent and Trademark Office on the date shown below.



J. Wayne Anderson

25 October 2002

25 October, 2002

I

In re: application of  
Jouishomme, Herve et al.  
US patent application no. 09/980,080

Attorney Docket : PG1-1

For: Three-Dimensional in vitro Models of Mammalian Tissues

## **STATEMENT OF FACTS**

The following is a Statement of the facts establishing that the Assignee of all interest in the subject US application, National Research Council of Canada, hereinafter NRC, has failed to locate non-signing Inventor, Herve Jouishomme, after diligent effort.

The signatory of this Statement of Facts is Mr. Wayne Anderson, Patent Agent for NRC, ie. as the person having the most first hand knowledge of the facts.

An Assignment of all rights in the subject invention to NRC is of record, having been enclosed with the initial Petition under 37 CFR 1.47(a). A copy of this Assignment is attached.

The Assignment was executed by Inventor Herve Jouishomme in Venissieux, France on 30 October 2001. Mr. Terrier Bernard, an official in the office of the mayor of Venissieux, witnessed the Assignment. The address of this office is Mairie de Venissieux, Moulin a Vent, 44 c, rue Ernest Renan, 69200 Venissieux, France. This could be used as an alternate mailing address for US Patent Office purposes.

It is my understanding that this Assignment was delivered to Inventor Herve Jouishomme at an address in France through an intermediary, Ms. Jenny Phipps, a former colleague and co-inventor of Inventor Herve Jouishomme. In accordance with Inventor Herve Jouishomme's wishes, Ms. Phipps has declined to provide me with the address.

In order to locate Inventor Herve Jouishomme, a search on the Internet was conducted by an NRC employee, Mr. Louis-Pierre Riel. Using the website <http://www.annu.com>, which is a telephone directory service for France, Mr. Riel discovered a Jouishomme, Herve residing at Bat M 3 r Roger Salengro, 69200 Venissieux, France. A copy of the directory page downloaded on September 13 2002 is attached.

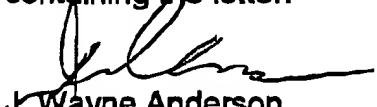
It is noted that the postal code and the name of the town in France are the same as in the address of the mayor's office where the Assignment was executed by Inventor, Herve Jouishomme.

I requested that Shawn Langlois, Legal Counsel for NRC, prepare a letter requesting that Inventor Herve Jouishomme execute and return documents relating to two US applications ie. the subject application and a yet to be filed US application. Mr. Langlois, provided me with a signed letter, dated 6 September 2002, and it was subsequently sent out by Courier to the above-noted address found on the Internet. A copy of this letter is attached.

I was informed by Ms. Linda Grenier, NRC's Intellectual Property Administrator, that the enclosures included a full copy of the subject US patent application, and the indicated forms for execution. I confirm that these enclosures were included, by personally opening the undelivered, unopened letter returned to NRC by the Courier.

The letter was sent by Courier, via Fedex Canada on 20 September 2002.

Recently, this package was returned to NRC by FedEx as undeliverable. A copy of the print out from FedEx is attached, which shows the tracking of the package containing the letter.



J. Wayne Anderson  
Patent Agent  
Reg'n no. 28,158.

25 October 2002



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 Phone **512-233-1111**

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3 To **Def. H. C.**  
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Address **Def. H. C.**  
 City **Def. H. C.** Country **USA**

Address **Def. H. C.**  
 City **Def. H. C.** Country **USA**

4 Shipper's Information

Country **USA** ZIP **75001**

Company

Address **Def. H. C.**

Address **Def. H. C.**

City **Def. H. C.**

Country **USA** ZIP **75001**

5 Recipient's Information

Country **USA** ZIP **75001**

Company

Address **Def. H. C.**

Address **Def. H. C.**

City **Def. H. C.**

Country **USA** ZIP **75001**

Company

Address **Def. H. C.**

Address **Def. H. C.**

6 Packaging

7 Special Handling

8a Payment B/E (Importation charges)

8b Payment B/E (Exportation charges)

9 Recipient's Signature

Signature

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\*\*\* RX REPORT \*\*\*  
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RESULT	OK